

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated May 3, 2007, (hereinafter Office Action) has been considered but appears to be based upon a misinterpretation of the claims. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the objection to Claims 1, 3, 8, 9 and 11, Claims 1, 3, 8 and 9 have been amended to remove the article “the” from the beginning of the objected-to language to provide more explicit antecedent basis. The further suggested changes were not made as such changes would alter the meaning of the claims and would not be consistent with the Specification.

The objection to the phrase “of the clock signal” appears to be based upon a misinterpretation of the Specification. The reference to paragraph [0028] appears to rely on the fourth sentence which includes the phrase “measures the interference arising from the harmonics on the given channel.” The Examiner appears to have misinterpreted the sentence to mean that the harmonics are from the channel. Rather the sentence should be interpreted such that the interference on the channel is being measured where the interference is from harmonics (of the clock signal). This interpretation is consistent with the remainder of the application as may be recognized at least in view of the Background section of the Specification which clearly sets forth that the invention is directed to addressing harmonics caused by clock signals (paragraph [0003]). Also, the buffer 344 shown and discussed in connection with Figs. 3 and 4, which is at least part of the means for measuring the interference, has as an input the clock signal produced by oscillator 340. The Specification as a whole identifies that the harmonics are of the clock signal, and the phrase “of the clock signal” is appropriate in the claims. Applicant accordingly requests that the objection be removed.

If the objection were to be maintained, however, Applicant requests further explanation and an opportunity to respond.

Applicant also respectfully traverses the §103(a) rejection based upon the teachings of U.S. Patent No. 6,163,687 to Scott *et al.* (hereinafter “Scott”) in view of U.S. Patent No. 6,711,229 to Harada (hereinafter “Harada”) because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. For example, neither of the references teaches measuring interference arising from harmonics of a clock signal or structure for performing such measurements, as claimed in each of the independent claims. Similar to the above-discussed objection, it appears that at least these limitations have been ignored. Although Scott acknowledges that interference may be caused internally (column 1, lines 24-26), Scott does not teach that interference from a clock signal’s harmonics is measured. Notably, no portion of Scott has been asserted as even teaching means for generating a clock signal.

In addition, Harada does not teach controlling the pulse width of a clock signal on the basis of a measurement of interference arising from clock signal harmonics. Rather, the pulse width is a result of the difference in the phase frequency between a reference clock and frequency divided clock (column 7, lines 42-49). There is no indication of measurement of interference arising from the clocks of Harada or a relationship between such a measurement and control of the pulse width. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper.

Applicant notes that in order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP §2143.03. The Examiner appears to have ignored certain claim limitations, which are not taught by either of the cited references. For example, none of the cited portions of either Scott or Harada teaches measuring interference arising from harmonics of a clock signal or structure for performing such measurements. As neither of the asserted references teaches these limitations, any combination thereof must also fail to correspond to such limitations. Without a presentation of evidence of correspondence to each of the claimed limitations, the

§103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2, 4-7 and 10-17 depend from independent Claims 1, 3 and 9, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed combination of Scott and Harada. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 3 and 9. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 4-7 and 10-17 are also believed to be patentable over the combination of Scott and Harada.

With particular respect to the rejection of dependent Claim 4, Applicant traverses as the asserted references have not been shown to teach or suggest each of the claimed limitations. Neither of the references appears to teach the output of a controller connected to the input of a digital-to-analog converter, as claimed. For example, Harada's decoder 12 has not been shown to be a digital-to-analog converter as asserted by the Examiner. Without a presentation of evidence of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

It should also be noted that the Specification has been amended to correct typographical errors and to identify appropriate reference numerals. These changes do not introduce new matter as they merely correct the correspondence of the discussions of the drawings with the reference numerals in the drawings.

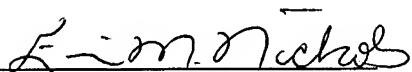
Claim 3 has also been amended to provide antecedent basis for the claimed controller. These changes are consistent with the discussion in at least paragraphs [0021], [0025], and [0028] and therefore do not introduce new matter. Claim 3 is also believed to be patentable over the asserted references for the reasons discussed above.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.028.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

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By: 
Erin M. Nichols
Reg. No. 57,125